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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13

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15 JOSE LUIS AGUINAGA,) Case no. 1:25-cv-00702-KES-GSA
16 Plaintiff,)
17 v.) DEFENDANT’S MOTION FOR
AN EXTENSION OF TIME
18)
19 COMMISSIONER OF) (ECF No. 14)
SOCIAL SECURITY,)
20 Defendant.)

21
22 Defendant respectfully moves for an extension of forty-five (45) days to file his brief in
23 this case, up to and including December 4, 2025. Plaintiff’s counsel was contacted today,
24 October 20, 2025, and indicated no objection to this motion.

25 This is Defendant’s first request for an extension in this case. He makes this request
26 based on the following.

- 27 1. At the end of the day on September 30, 2025, the appropriations that were funding the
28 Department of Justice expired, and appropriations to the Department lapsed. The

1 same is true for most executive agencies, including the federal defendant Social
2 Security Administration (SSA). It is not clear when Congress will restore funding.

- 3 4. In the absence of either an appropriation for fiscal year 2026 or a continuing
4 resolution to fund the SSA's operations, the agency may not incur any further
5 financial obligations, except for that work that, as defined by law, is excepted from
6 the limitations of Anti-Deficiency Act. *See* 31 U.S.C. §§ 1341, 1342.
- 7 5. Effective Monday, October 20, 2025, the SSA has determined that undersigned
8 counsel may perform work on social security cases arising under 42 U.S.C. § 405(g)
9 during the current lapse in appropriations as excepted work.
- 10 6. Although the undersigned counsel is permitted to work on social security cases
11 arising under 42 U.S.C. § 405(g) as of October 20, 2025, he has many other pressing
12 deadlines resulting from the lapse in funding.

13 For these reasons, then, undersigned counsel requests an extension of forty-five (45) days in
14 which to file Defendant's brief.

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17 Respectfully submitted,

18 Date: *October 20, 2025*

19 ERIC GRANT
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21 MATHEW W. PILE
22 Head of Program Litigation 1
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24 */s/ Timothy R. Bolin*
25 TIMOTHY R. BOLIN
26 Special Assistant United States Attorney

27 Attorneys for Defendant
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ORDER

Based on the foregoing motion, and for cause shown, THE COURT ORDERS that Defendant shall have until December 4, 2025, to file his brief in this case. Plaintiff shall have fourteen (14) days from the filing of Defendant's brief to file any reply brief.

IT IS SO ORDERED.

Dated: **October 20, 2025**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE